

REMARKS/ARGUMENTS

1.) Claims Amendments

Claim 15 has been amended to correct a typographical error and claims 16-20 have been added. The new claims recite methods having claim limitations analogous to those of previously presented claims 11-15; therefore, no new matter has been added.

2.) Examiner Objections - Claims

The Examiner objected to claim 15 as being dependent upon a rejected base claim, but indicated that it would be allowable if rewritten in independent form, including all of the limitations of its base claim and any intervening claims. The Applicant thanks the Examiner for the indication of allowable subject matter. Whereas the Applicant believes the base claim is allowable over the art of record, however, the Applicant declines to so amend claim 15.

3.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner rejected claims 11-13 as being unpatentable over Kubo, et al. (U.S. 6,249,682 B1) in view of Takano, et al. (U.S. 7,103,376 B2); and rejected claim 14 as being unpatentable over Kubo in view of Takano and further in view of Yamamoto (U.S. Pub. No.: 2002/0,013,156 A1). The Applicant traverses the rejections.

Claim 11 recites:

11. An apparatus for determining a speed indication signal indicating a speed of a wireless mobile telecommunication device relative to said apparatus, wherein said apparatus determines said speed indication signal from a sequence of transmit power control commands sent by said wireless mobile telecommunication device to an access point in a wireless telecommunication network for controlling, in use, a transmit power of a radio signal transmitted by said access point to said wireless mobile telecommunication device, wherein said apparatus comprises:

a memory for storing said sequence of transmit power control commands;

a logical filter circuit for determining a radio signal strength minimum in said radio signal at a location of said mobile telecommunication device by detecting if a predetermined number of consecutive transmit power control commands from said sequence of

transmit power control commands each comprise either an 'up' or 'down'
transmit power control command. (emphasis added)

The Applicant's invention is characterized by the use of a memory to store a series ("sequence") of received transmit power control commands. A logical filter circuit then uses the history of received transmit power control commands to determine a radio signal strength minimum at the location of the mobile station that transmitted the transmit power control commands. The logical filter circuit performs that function by detecting if a predetermined number of consecutive transmit power control commands from the stored history of the received transmit power control commands (*i.e.*, the "sequence of transmit power control commands" stored in the memory) comprise either an "up" or "down" transmit power control command.

Although Kubo is directed to the estimation of speed of a mobile terminal, the Examiner has recognized that Kubo fails to teach "a memory for storing the sequence of transmit power control commands and a logical filter circuit for determining a radio signal strength minimum in the radio signal at a location of the mobile telecommunication device by detecting if a predetermined number of consecutive transmit power control commands from the sequence of transmit power control commands each comprise either an 'up' or 'down' transmit power control command." To overcome the deficiencies of Kubo, the Examiner then looks to the teachings of Takano.

Takano fails to cure the deficiencies of Kubo. Takano is directed to performing base station selection type transmission power control. There is absolutely no teaching that the disclosed principles are related to, or could be used for, estimating the speed of a mobile terminal. The Examiner asserts that Takano teaches an apparatus including "a memory for storing the sequence of transmit power control commands," referring to column 13, lines 7-24 and 45-50. The Applicant has reviewed Takano and finds no such teaching. At the referenced location, claim 4 states that a mobile station "decreases its transmission power if at least one of the one or more transmission power control signals that have been received is a signal instructing a decrease in transmission power." First of all, Takano is referring to transmit power control commands received by a mobile terminal. In contrast, Applicant's invention depends on the transmit power control

commands transmitted by a mobile station to an access point. Furthermore, there is no teaching, either in that claim or the supporting specification, that the mobile terminal stores a sequence of such received transmit power control commands, as recited in claim 11. Takano only teaches that such commands are routinely sent to a mobile station and that the mobile station will reduce its transmission power if a transmission power control command instructing it to do so is received. There is no teaching that it can, or even might, store the series of received commands. For the purposes of the invention disclosed by Takano, there is simply no need to store such commands. Therefore, Takano fails to teach that element of the claimed invention.

The Examiner also asserts that Takano teaches "a logical filter circuit for determining a radio signal strength minimum in the radio signal at a location of the mobile telecommunication device by detecting if a predetermined number of consecutive transmit power control commands from the sequence of transmit power control commands each comprise either an 'up' or 'down' transmit power control command," referring to column 13, lines 16-24. Again, the Applicant has reviewed Takano and finds no such teaching. Because Takano fails to disclose a memory for storing a series ("sequence") of received transmit power control commands, it also fails to teach the function of "detecting if a predetermined number of consecutive power control commands . . . comprise an 'up' or 'down' transmit power control command," as recited in claim 11. Without some means to store a history of received transmit power control commands, or an indication of whether a series of such received commands were 'up' or 'down' commands, it would not be possible to detect whether a sequence of consecutive power control commands equals some predetermined threshold. Therefore, Takano also fails to teach this element of the claimed invention.

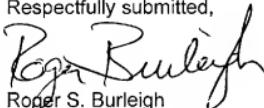
Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness of claim 11. Whereas claims 12-15 are dependent from claim 11, and include the limitations thereof, those claims are also not obvious over Kubo in view of Takano. Furthermore, claims 16-20 are directed to methods including claim limitations analogous to the functions recited in claims 11-15. Accordingly, those claims are also not obvious over Kubo in view of Takano.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 11-20.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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